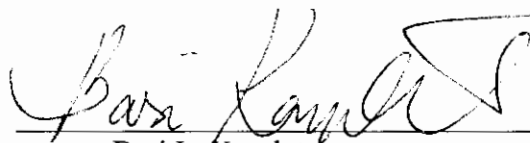


## STIPULATION

Assistant District Attorney Bari Kamlet of the Bronx District Attorney's Office and Andrea G. Hirsch, attorney for Devon Millington, stipulate that all exhibits and documents that were submitted by both parties to the Supreme Court of the State of New York, Bronx County, in the course of litigating Millington's C.P.L. §§ 440.10, 440.20, and 460.15 motions seeking to overturn his conviction for first-degree murder and/or his sentence of life without parole under Bronx County Indictment Number 4842/2000, as well as all documents and materials that were submitted by both parties to the District Court for the Southern District of New York, in the course of litigating Millington's 28 U.S.C. § 2254 petition relating to that conviction and sentence (*Millington v. Lee*, 11 Civ. 00499 (LGS) (DF)), are deemed admitted into evidence at the hearing on Millington's petition to be held before United States Magistrate Judge Debra Freeman on January 22, 2014. For the Court's convenience, complete lists of exhibits to Millington's C.P.L. § 460.15 motion and to his underlying 440.10 and 440.20 motions and to the State's response are attached.

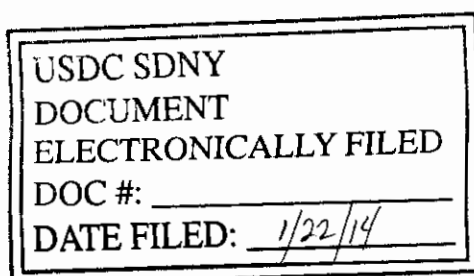
Dated: New York, New York  
January 22, 2014



Bari L. Kamlet  
Assistant District Attorney  
Bronx County



Andrea G. Hirsch  
Attorney for Devon Millington



COURT  
EXHIBIT

3

1/22/2014

LIST OF EXHIBITS TO C.P.L. § 460.15 MOTION

VOLUME I

1. C.P.L. § 440.10 motion
2. Exhibit A and part of B to 440.10 motion (A complete list of 440.10 exhibits is attached.)

VOLUME II

3. Second part of Exhibit B and Exhibits C through V to 440.10 motion

VOLUME III

4. Motion to amend and seal; affirmation in opposition; reply
5. Second motion to amend and attached exhibits, W and X
6. Prosecution's affirmation in opposition and memorandum of law
7. Millington's reply and attached exhibits W through Z<sup>1</sup>
8. Prosecution's sur-reply and motion to bar consideration of sur-reply
9. Millington's June 18, 2010 letter to court and attached July 10, 2001 minutes, September 7, 2001 minutes, November 19, 2001 minutes, and December 3, 2001 minutes
10. Prosecution's letter response, dated July 22, 2010, and Millington's letter reply, dated August 12, 2010

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<sup>1</sup> There are, inadvertently, two exhibits W and two exhibits X.

LIST OF EXHIBITS TO C.P.L. § 440.10 AND 440.20 MOTIONS

- A Writ of error coram nobis
- B Trial minutes
- C Pre-sentence report
- D C.P.L. § 330.30 decision
- E Sentencing minutes
- F Point 12 of Iannuzzi's Appellate Division brief
- G March 8, 2007 letter from Iannuzzi to Millington
- H Affidavit of Devon Millington
- I Affidavit of Roy Millington
- J Affidavit of Errol Millington
- K June 15, 2007 letter from Devon Millington to Iannuzzi
- L July 23, 2007 letter from Iannuzzi to Devon Millington
- M Letters from Andrea G. Hirsch to John Iannuzzi
- N Report by Dr. Eric Goldsmith
- O Millington's school records
- P Handwritten school "program planning" notes
- Q University Heights School records
- R Remco Maintenance letter and records
- S Rikers records
- T Rikers records
- U Rikers records
- V Iannuzzi notes; efforts to obtain witness from TASA

W March 1, 2002 calendar call minutes (original sentencing proceeding)

X Prepleading memorandum submitted by Michael Suarez

LIST OF EXHIBITS TO STATE'S OPPOSITION PAPERS

Exhibit 1 Affirmation of John Nicholas Iannuzzi

Exhibit 2 Affirmation of Dan McCarthy

LIST OF EXHIBITS TO MILLINGTON'S REPLY

W August 2001 Letter from Iannuzzi's office to Millington enclosing "co-defendant's statements"

X Penal Law 15.25 "Search Result"

Y New York State Bar Association, Committee on Courts of Appellate Jurisdiction, "Report on Proposed Second Circuit Local Rules"

Z May 2007 letter from Millington to Iannuzzi